

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|                           |   |                                |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, | ) |                                |
|                           | ) |                                |
| Plaintiff,                | ) |                                |
|                           | ) |                                |
| v.                        | ) | Cause No. 1:16-cr-0179-WTL-DML |
|                           | ) |                                |
| DAVID A. GRICE,           | ) |                                |
|                           | ) | - 01                           |
| Defendant.                | ) |                                |

**REPORT AND RECOMMENDATION**

On February 28, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 8, 2019. [Dkt. 21.] Defendant Grice appeared in person with his appointed counsel William Dazey. The government appeared by Lindsay Karwoski, Assistant United States Attorney. U.S. Parole and Probation appeared by Officer Michael Burress.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Grice of his rights and ensured he had a copy of the Petition. Defendant Grice orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Grice admitted violation no. 1 as set forth in the Petition. [Dkt. 21.]
3. The allegation to which Defendant admitted, as fully set forth in the Petition, is:

**Violation  
Number**

**Nature of Noncompliance**

- 1           **“You shall report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.”**

Mr. Grice was released from Bureau of Prisons custody on May 22, 2018. Mr. Grice was then released to the custody of authorities in Parke County, Indiana; Fountain County, Indiana; and Warren County, Indiana, respectively, due to having active warrants for prior charges in all three counties. Mr. Grice was released from the Warren County Jail on January 2, 2019. On this same day, this officer went to Mr. Grice's reported residence address, and he was not present. This officer provided her contact information to the defendant's nephew, Brandon Grice. On the evening of January 2, 2019, Brandon Grice reported Mr. Grice showed up at his residence, and he provided Mr. Grice with this officer's contact information. According to the nephew, Mr. Grice left the residence and has not returned to his home since. Further, Mr. Grice has a probation sentence in Warren County, Indiana, and he has not made any contact with his probation officer Amanda Burton since his release from jail on January 2, 2019. Mr. Grice's whereabouts are unknown at this time.

4.       The Court found that:

- (a)       The highest grade of violation is a Grade C violation.
- (b)       Defendant's criminal history category is VI.
- (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.


5.       The parties jointly recommended a sentence of fourteen (14) months with no supervised release to follow. Defendant requested placement at FCI Manchester, Kentucky.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of fourteen (14) months with no supervised release to follow. The Defendant is to be taken into custody

immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends Defendant's placement at FCI Manchester, Kentucky.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 4 MAR 2019

  
\_\_\_\_\_  
Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

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